

Charles M. Plunkert and
Dorothy K. Plunkert, his wife
and Howard T. Perkins, JR. and
Betty Catherine Perkins, his wife
VS.

The Unknown Heirs, Devisees,
Personal Representatives,
Descendants or Successors in
Interest, of Jacob P. Hummer,
Deceased

No. 21,983
In the Circuit Court
For Frederick County, Maryland
ORDER OF PUBLICATION

The object of this Bill is that the Court may take jurisdiction in the premises and enter a Decree removing the cloud upon the title of the Complainants and that the Court shall declare that the Complainants have a good and marketable fee simple title to the property described in the Bill of Complaint, and may sell or convey or otherwise deal with such property without regard to the claims of the unknown heirs, devisees, personal representatives, descendants or successors of Jacob P. Hummer, deceased.

The Bill recites that Charles M. Plunkert and Dorothy K. Plunkert, his wife, are the owners in fee simple, of all that lot or parcel of land, situate, lying and being in Lewis-town Election District, Frederick County, Maryland, along or near the public road leading from Mountain-dale to the Frederick City Reservoir and being on the Northeast side of the creek known as Fishing Creek, that was conveyed unto Raymond W. Wiles and Katherine E. Wiles, his wife, by deed from Alva F. Rice and Mattie M. Rice, his wife, by date of September 3, 1943, and recorded in Liber 439, Folio 421, one of the Land Records of Frederick County, LESS, HOWEVER, (1) all that lot of land conveyed to Lewis S. Rice, by deed dated August 26, 1950, and recorded in Liber 489, Folio 24, one of the aforesaid Land Records; and (2) all that parcel of land conveyed to Lewis S. Rice, by deed dated February 9, 1952, and recorded in Liber 498, Folio 583, one of the aforesaid Land Records. It being the same property that was conveyed to the said Charles M. Plunkert and Dorothy K. Plunkert, his wife, by Howard T. Perkins, Jr., and Betty Catherine Perkins, his wife, by deed dated September 1, 1966, and recorded in Liber 754, Folio 148, one of the aforesaid Land Records, said deed being filed herewith, prayed to be taken as a part thereof, and marked "Complainant's Exhibit No. 1."

That the above described real estate is all and the same real estate as described and conveyed in a deed from Wilbur F. Sheffield, Jr., and James McSherry, Trustees, dated July 29, 1966, and recorded in Liber 752, Folio 159, one of the aforesaid Land Records, a certified copy of said deed being filed herewith and prayed to be taken as a part hereof and marked "Complainant's Exhibit No. 2."

That the above described real estate is all and the same property that the aforesaid Trustees acquired interest in from the Estate of Lewis S. Rice, who acquired said property from Raymond W. Wiles, divorced, by deed dated August 13, 1954, and recorded in Liber 535, Folio 243, one of the aforesaid Land Records, a certified copy of such deed being filed herewith, prayed to be taken as a part hereof and marked "Complainant's Exhibit No. 3."

That the above described real estate is a portion of the property that was conveyed by Roy I. Hyndman, widower, to Raymond W. Wiles, by deed dated April 1, 1946, and recorded in Liber 455, Folio 225, one of the aforesaid Land Records, being parcel "FIRST" in said deed and by deed from Raymond W. Wiles and Katherine E. Wiles, his wife, to Roy I. Hyndman, by deed dated March 30, 1946, and recorded in Liber 455, Folio 224, one of the aforesaid Land Records, and being parcel "FIRST" in said deed, said deeds being filed herewith, prayed to be taken as a part hereof, and marked "Complainant's Exhibits No. 4 and 5 respectively."

That the above described real estate is a portion of the property that was conveyed by Alva F. Rice and Mattie M. Rice, his wife, to Raymond W. Wiles and Katherine E. Wiles, his wife, by deed dated September 3, 1943, and recorded in Liber 439, Folio 421, one of the aforesaid Land Records, a certified copy of such deed being filed herewith, prayed to be taken as a part hereof and marked "Complainant's Exhibit No. 6."

LIBER 28 PAGE 490
The Valley Register Office

Middletown, Md. May 24,
Equity 21,983

19 68

I hereby certify that the annexed **Order Of Publication**

Plunkert Vs Plunkert

was published in

The Valley Register, a newspaper published in Frederick County, Md.,

for 4 successive weeks, 5 times, months
last publication not less than 30 days
prior to the 25th day of June, 19 68.

THE VALLEY REGISTER

Per *Mary Summers*
MARY SUMMERS

That the above described real estate is a portion of the property that was conveyed by Foster H. Blickenstaff and Matilda V. Blickenstaff, his wife, to Alva F. Rice and Mattie M. Rice, his wife, by deed dated September 11, 1939 and recorded in Liber 418, Folio 565, one of the aforesaid Land Records, a certified copy of such deed being filed herewith, prayed to be taken as a part hereof, and marked "Complainant's Exhibit No. 7."

That the above described real estate is a portion of the property that was conveyed by William C. Main and Myrtle Main, his wife, to Foster H. Blickenstaff and Matilda V. Blickenstaff, his wife, by deed dated February 27, 1939, and recorded in Liber 416, Folio 436, one of the aforesaid Land Records, a certified copy of such deed being filed herewith, prayed to be taken as a part hereof, and marked "Complainant's Exhibit No. 8."

That the above described real estate is a portion of the property that was conveyed by Foster H. Blickenstaff and Matilda V. Blickenstaff, his wife, unto William C. Main, by deed dated February 6, 1939, and recorded in Liber 416, Folio 140, one of the aforesaid Land Records, said deed being filed herewith, prayed to be taken as a part hereof, and marked "Complainant's Exhibit No. 9." and that in said deed it is stated that "One Jacob Hummer entered possession of the hereinafter described real estate and held the same openly and notoriously, claiming as his own from about the year 1900 until the year 1931, and whereas the said Foster H. Blickenstaff and Matilda V. Blickenstaff, his wife, in the year 1931 entered into the said real estate and have since claimed it as and for their own and have held the same openly, adversely and notoriously and have paid the taxes on said real estate from the year 1931 until the present date, and whereas it is the intention of the said Foster H. Blickenstaff and Matilda V. Blickenstaff, his wife, to place upon record their claim to said property."

That Howard T. Perkins, Jr., and Betty Catherine Perkins, his wife, are the owners, in fee simple, of 0.707 acres of real estate lying and being in Lewistown Election District, Frederick County, Maryland, and originally being part of the aforesaid first tract of land which was conveyed unto the said Howard T. Perkins, Jr., and Betty Catherine Perkins, his wife, by confirmatory deed from Charles M. Plunkert and Dorothy K. Plunkert, his wife, dated, November 18, 1967, and recorded in Liber 775, Folio 454, one of the aforesaid Land Records, said deed being filed herewith, prayed to be taken as a part hereof, and marked "Complainant's Exhibit No. 10," and by deed from Charles M. Plunkert and Dorothy K. Plunkert, his wife, to Howard T. Perkins, Jr., and Betty Catherine Perkins, his wife, by deed dated September 1, 1966, and recorded in Liber 754, Folio 146, one of the aforesaid Land Records, a certified copy of such deed being filed herewith, prayed to be taken as a part hereof, and marked "Complainant's Exhibit No. 11."

That the aforesaid 0.707 acres is all and the same real estate as described and conveyed in a deed from Wilbur F. Sheffield, Jr., and James McSherry, Trustees, to Charles M. Plunkert and Dorothy K. Plunkert, his wife, dated July 29, 1966, and recorded in Liber 752, Folio 161, one of the aforesaid Land Records, a certified copy of such deed being filed herewith, prayed to be taken as a part hereof, and marked "Complainant's Exhibit No. 12."

That the said Wilbur F. Sheffield and James McSherry, Trustees, acquired interest in said property from the Estate of Lewis S. Rice and the said Lewis S. Rice having acquired said property from Raymond W. Wiles, divorced, by deed dated February 9, 1952, and recorded in Liber 498, Folio 583, one of the aforesaid Land Records, a certified copy of such deed being filed herewith, prayed to be taken as a part hereof, and marked "Complainant's Exhibit No. 13."

That said real estate is a portion of all that property described and conveyed in Exhibit 4 aforesaid through Exhibit 9 aforesaid, which are a part hereof.

That by virtue of the foregoing, and the statements made in Exhibit 8, question has arisen as to whether your Complainants have a good and marketable title to said premises by reason of the fact that there is nothing of record to show that the said Foster H. Blickenstaff and Matilda V. Blickenstaff, his wife, were possessed of a good and merchantable title to the above described real estate.

That your Complainants are now in possession of the premises under claim of right and color of title, and the predecessors in title of your Complainants have possessed said premises under a claim of right and color of title since February 6, 1939.

That your Complainants and the attorneys have made reasonable efforts to ascertain the heirs, devisees, personal representatives, descendants or successors in interest of the said Jacob Hummer and have been unable to ascertain such information.

That the above matter constitutes a cloud upon the title of your Complainants and although your Complainants claim to hold a valid, fee simple title, the same cannot be established of record without the removal of the aforesaid cloud upon the title of your Complainants; that your Complainants have no adequate remedy at law.

The foregoing Bill of Complaint and Affidavit having been presented to the Court, and by the Court read and considered, it is thereupon, this 22nd day of April 1968, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, ORDERED that the Complainants, by causing a copy of this Order to be inserted in some newspaper published in said Frederick County, once a week in each of four successive weeks, the last of such publications to be made not less than thirty days before the 25th day of June, 1968, give notice to the unknown heirs, devisees, personal representatives, descendants or successors of Jacob Hummer, deceased, whether residents or non-residents, of the object and substance of this Bill, warning them to be in this Court in person, or by solicitor, on or before the 25th day of June, 1968, next, to show cause, if any they have, why a Decree ought not to be passed as prayed.

PATRICK M. SCHNAUFFER
Judge

Ralph L. Gastlev, Jr.
GASTLEY & STILLRICH
20 North Court Street
Frederick, Maryland 21701
Phone: 662-8114

Solicitors for Complainants
(Filed April 22, 1968)

TRUE COPY TEST:
Ellis C. Wachter, Clerk 4-26-68-(1)